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U.S. DISTRICT COURT
DISTRICT OF MASS.

VIA FACSIMILE (617)748-9096

Clerk Jennifer Gaudet
United States District Court
District of Massachusetts
1 Court House Way
Boston, MA 02210
Attn: The Court Clerk

Re: **Dimon v. MetLife et. al.**
U.S.D.C. – Mass. C. A No: 05 11073 NG

Dear Mrs. Gaudet:

We represent Metropolitan Life Insurance Company ("MetLife") in the above captioned action.

On October 29, 2007, Kemper Insurance Company (hereinafter "Kemper") filed the *Motion of Defendant Kemper Insurance Company For Leave to File a Response to Defendant Metropolitan Life Insurance Company's Supplemental Brief in Support of its Motion for Summary Judgment* (hereinafter "Motion for Leave").

Although Kemper cited to Local Rule 7.1(B)(3), Kemper's counsel failed to include the Certification required by Local Rule 7.1(A)(2) certifying that counsel have conferred in an effort to resolve or narrow the issues. In fact, no prior notice was received by MetLife's counsel and no Local Rule 7.1 conference was held. Had Kemper conferred about an assent to its Motion for Leave, counsel would have recommended that MetLife give its assent to Kemper's request to file a Reply if MetLife were allowed the opportunity to file a Sur-Reply.

Very truly yours,



James J. Ciapciak

cc: All Counsel of Record